

**● PRINTER RUSH ●**  
**(PTO ASSISTANCE)**

|                                 |                                 |                            |
|---------------------------------|---------------------------------|----------------------------|
| Application : <u>09238261</u>   | Examiner : <u>Shang</u>         | GAU : <u>2617</u>          |
| From : <u>J. Black</u>          | Location : <u>(IDC) FMF FDC</u> | Date : <u>12/5/05</u>      |
| Tracking # : <u>epm09238261</u> |                                 | Week Date : <u>9/12/05</u> |

| DOC CODE                                 | DOC DATE       | MISCELLANEOUS                                |
|--|----------------|--|
| <input type="checkbox"/> 1449            |                | <input type="checkbox"/> Continuing Data     |
| <input type="checkbox"/> IDS             |                | <input type="checkbox"/> Foreign Priority    |
| <input type="checkbox"/> CLM             |                | <input type="checkbox"/> Document Legibility |
| <input type="checkbox"/> IIFW            |                | <input type="checkbox"/> Fees                |
| <input type="checkbox"/> SRFW            |                | <input type="checkbox"/> Other               |
| <input type="checkbox"/> DRW             |                |  |
| <input checked="" type="checkbox"/> OATH | <u>1/27/99</u> |  |
| <input type="checkbox"/> 312             |                |  |
| <input type="checkbox"/> SPEC            |                |  |

[RUSH] MESSAGE: \_\_\_\_\_

Signatures of inventors are missing  
from oath/declaration.

\_\_\_\_\_

Please resolve.

\_\_\_\_\_

[XRUSH] RESPONSE: \_\_\_\_\_

See misc comm

Done

INITIALS: [Signature]

NOTE: This form will be included as part of the official USPTO record, with the Response document coded as XRUSH.  
REV 10/04

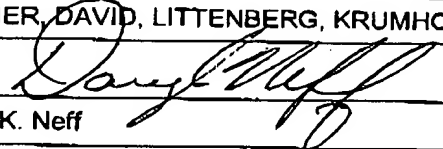
PTO/SB/21 (09-04)

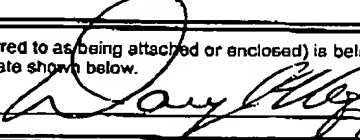
Approved for use through 07/31/2006. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |   |                        |                        |
|---|---|------------------------|------------------------|
| <h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p> |   | Application Number     | 09/238,261-Conf. #6539 |
|   |   | Filing Date            | January 27, 1999       |
|   |   | First Named Inventor   | Hajime Inoue           |
|   |   | Art Unit               | 2617                   |
|   |   | Examiner Name          | A. Q. Shang            |
| Total Number of Pages in This Submission  | 8 | Attorney Docket Number | SONYJP 3.0-051         |

| ENCLOSURES (Check all that apply)   |  |  |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Response to Notice to File Corrected Application Papers; copy of executed Declaration and Submission of Executed Declaration; copy of Notice to File Corrected Application Papers |
| <div style="border: 1px solid black; padding: 5px; min-height: 100px;">         Remarks       </div>  |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |          |        |
|--|---|----------|--------|
| Firm Name                                  | LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP                                  |          |        |
| Signature                                  |  |          |        |
| Printed name                               | Daryl K. Neff   |          |        |
| Date                                       | January 5, 2006   | Reg. No. | 38,253 |

|  |   |
|--|---|
| I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (703) 308-6642, on the date shown below. |   |
| Dated: January 5, 2006   | Signature:  (Daryl K. Neff) |

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (703) 308-8842, on the date shown below.

Dated: January 5, 2006

Signature: 

(Daryl K. Nakh)

Docket No.: SONYJP 3.0-051  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Inoue et al.

Application No.: 09/238,261

Group Art Unit: 2617

Filed: January 27, 1999

Examiner: A. Q. Shang

For: BROADCAST-PROGRAM SELECTION  
HISTORY INFORMATION  
ACQUISITION APPARATUS AND  
ITS METHOD

**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Corrected Application papers dated December 27, 2005, attached please find a copy of the executed Declaration, previously submitted, together with the document entitled "Submission of Executed Declaration" dated March 31, 1999, and a copy of the Notice to File Missing Parts of Application referenced therein.

Also enclosed is a copy of PTO form entitled "NOTICE TO FILE CORRECTED APPLICATION PAPERS."

Applicants respectfully request that the application be allowed to proceed immediately to issuance.

If the Examiner has any questions concerning this application, he is requested to call Applicants' attorney at (908) 654-5000. If any additional fees are required by the

Application No.: 09/238,261

Docket No.: SONYJP 3.0-051

present Communication, the Examiner is hereby authorized to  
charge them to our Deposit Account No. 12-1095.

Dated: January 5, 2006

Respectfully submitted,

By 

Daryl K. Neff

Registration No.: 38,253

LERNER, DAVID, LITTENBERG,

KRUMHOLZ &amp; MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants

020847\_1.DOC

PATENT  
SONYJP 3.0-051

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: :  
Inoue et al. :  
Application No.: 09/238,261 : Group Art Unit: 2712  
Filed: January 27, 1999 : Examiner:  
For: BROADCAST-PROGRAM SELECTION : Date: March 31, 1999  
HISTORY INFORMATION ACQUISITION :  
APPARATUS AND ITS METHOD :  
X

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

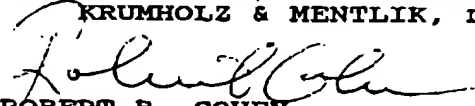
SUBMISSION OF EXECUTED DECLARATION

Sir:

In response to the Notice to File Missing Parts dated February 17, 1999 (a copy of which is enclosed herewith), Applicant herewith encloses the original executed Declaration for the above-identified patent application which was filed on January 27, 1999. Please charge our Deposit Account No. 12-1095 in the amount of \$130.00 to cover the surcharge for filing a Declaration on a date later than the filing date of the application.

If there are any additional fees, please charge them to our Deposit Account No. 12-1095.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
ROBERT B. COHEN  
Reg. No. 32,768

600 South Avenue West  
Westfield, New Jersey 07090  
Telephone: (908) 654-5000  
Facsimile: (908) 654-7866

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on March 31, 1999.

  
(Signature)

ROBERT B. COHEN

Typed or Printed Name of Person Signing Certificate

S99P0096US00

**DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION****ATTORNEY'S DOCKET NO.: SONYJP 3.0-051**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**BROADCAST-PROGRAM SELECTION HISTORY INFORMATION ACQUISITION APPARATUS AND ITS METHOD**

the specification of which

☐ is attached hereto☒ was filed on 1/27/99 as United States Application Number or PCT International Application Number 09/238,261 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

| PRIOR FOREIGN APPLICATION(S)   |                    |                                      |   |
|--|--------------------|--------------------------------------|---|
| COUNTRY  | APPLICATION NUMBER | DATE OF FILING<br>(month, day, year) | PRIORITY CLAIMED  |
| JAPAN  | P10-033827         | January 31, 1998                     | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| JAPAN  | P10-033828         | January 31, 1998                     | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| JAPAN  | P10-033829         | January 31, 1998                     | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| JAPAN  | P10-033830         | January 31, 1998                     | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| JAPAN  | P10-137677         | April 30, 1998                       | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| JAPAN  | P10-137678         | April 30, 1998                       | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| LISTING OF FOREIGN APPLICATIONS CONTINUED ON PAGE 3 HEREOF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |                    |                                      |   |

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Application Number:

Filing Date:

Application Number:

Filing Date:

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(e) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Parent Application Serial Number:

Parent Filing Date:

Parent Patent No.:

U.S. Parent Application Serial Number:

Parent Filing Date:

Parent Patent No.:

PCT Parent Number:

Parent Filing Date:

LISTING OF US APPLICATIONS CONTINUED ON PAGE 3 HEREOF: ☐ YES ☒ NO**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Lawrence I. Lerner, Reg. No. 19,518; Sidney David, Reg. No. 22,788; Joseph S. Littenberg, Reg. No. 20,832; Arnold H. Krumholz, Reg. No. 25,428; William L. Mentlik, Reg. No. 27,108; John R. Nelson, Reg. No. 29,573; Roy H. Weprner, Reg. No. 28,350; Stephen B. Goldman, Reg. No. 28,512; Paul H. Kochersfeld, Reg. No. 29,880; Marcus J. Miller, Reg. No. 28,241; Bruce H. Sales, Reg. No. 32,793; Daniel H. Bobbs, Reg. No. 16,884; Keith E. Gilman, Reg. No. 32,137; Robert B. Cohen, Reg. No. 32,768; Arnold B. Dornpiant, Reg. No. 28,736; Michael H. Teschner, Reg. No. 32,852; Gregory S. Gervitz, Reg. No. 36,522; Jonathan A. David, Reg. No. 36,494; Shawn P. Foley, Reg. No. 33,071; Thomas M. Palisi, Reg. No. 36,629; John P. Mekjian, Reg. No. 41,987; Kimberly V. Fluggar, Reg. No. P-43,612; Jason I. Gerbail, Reg. No. P-44,116; Renee M. Roberson, Reg. No. 41,777.

**SEND CORRESPONDENCE TO:**  
**LERNER, DAVID, LITTENBERG,**  
**KRUMHOLZ & MENTLIK, LLP**  
 600 South Avenue West  
 Westfield, New Jersey 07090

**DIRECT TELEPHONE CALLS TO:**  
 (name and telephone number)

**ROBERT B. COHEN**  
 (908) 654-5000 Fax: (908) 654-7866

S99P0096US00

## DECLARATION — Page 1

ATTORNEY DOCKET NO. SONYJP 3.0-051

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): HAJIME INOUE

Inventor's signature Hajime Inoue Date March 23, 1999

Residence: Chiba, Japan Citizenship: JAPAN

Post Office Address: c/o Sony Corporation, 7-35, Kitashinagawa 6-chome, Shinagawa-ku, Tokyo, Japan

Full name of second joint inventor, if any (given name, family name): SHINJI KAKUYAMA

Second Inventor's signature Shinji Kakuyama Date March 23, 1999

Residence: Tokyo, Japan Citizenship: JAPAN

Post Office Address: c/o Sony Corporation, 7-35, Kitashinagawa 6-chome, Shinagawa-ku, Tokyo, Japan

Full name of third joint inventor, if any (given name, family name): KIYOSHI SHIMIZU

Third Inventor's signature Kiyoshi Shimizu Date March 24, 1999

Residence: Kanagawa, Japan Citizenship: JAPAN

Post Office Address: c/o Sony Corporation, 7-35, Kitashinagawa 6-chome, Shinagawa-ku, Tokyo, Japan

Full name of fourth joint inventor, if any (given name, family name): SUSUMU NAGANO

Fourth Inventor's signature Susumu Nagano Date March 23, 1999

Residence: Kanagawa, Japan Citizenship: JAPAN

Post Office Address: c/o Sony Corporation, 7-35, Kitashinagawa 6-chome, Shinagawa-ku, Tokyo, Japan

Full name of fifth joint inventor (given name, family name):

Fifth Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Full name of sixth joint inventor, if any (given name, family name):

Sixth Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Full name of seventh joint inventor, if any (given name, family name):

Seventh Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Full name of eighth joint inventor, if any (given name, family name):

Eighth Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

☐ Additional inventors are being named on separately numbered sheets attached hereto.

166376.DOC



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
| 09/238,261         | 01/27/99            | INOUE                 | H SONY, INC. 0-05         |

0242/0217  
LERNER DAVID LITTENBERG KRUNHOLZ  
& MENTLHA  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

NOT ASSIGNED

2712

DATE MAILED:

02/17/99

### NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
☐ small entity (statement filed) ☐ non-small entity is \$ 20.00

- ☐ 1. The statutory basic filing fee is:  
☐ missing.  
☐ insufficient.  
Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- ☐ 2. The following additional claims fees are due:  
\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.  
\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.  
\$ \_\_\_\_\_ for multiple dependent claim surcharge.  
Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.
- ☐ 3. The oath or declaration:  
☐ is missing or unsigned.  
☐ does not cover the newly submitted items.  
An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.
- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.  
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:  
\_\_\_\_\_  
An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.
- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application was filed in a language other than English.  
Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- ☐ 9. OTHER: \_\_\_\_\_

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202



**UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Serial Number  
09238261

Date Mailed  
12/27/05

**NOTICE TO FILE CORRECTED APPLICATION PAPERS*****Notice of Allowance Mailed***

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 30 days from the mail date of this Notice within which to correct the informalities indicated below. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136 (a) or (b).

- ♦ Inventor's signatures are missing from the oath/declaration/ADS. No petition under Rule 1.47 filed. (INOUE, HAJIME; KAKUYAMA, SHINJI; SHIMIZU, KIYOSHI; NAGANO, SUSUMU) Fax missing information to number below or e-mail.
  - o For status updates visit <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR System, contact the Electronic Business Center (EBC) toll free at 866-217-9197.

**APPLICANT MUST SUPPLY MISSING INFORMATION WITHIN 30 DAYS OF THE MAIL DATE OF THIS NOTICE.**

A copy of this notice MUST be returned with the reply. Please address response to Commissioner for Patents P.O. Box 1450  
Alexandria, VA 22313-1450

Rori Burch  
USPTO  
Publishing Division  
Rori.burch@uspto.gov  
Fax (703) 746-6830  
Fax (703) 308-6642  
703-305-0333 ext.135 (V)